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May 13, 2024

VIA ECF

Hon. Philip M. Halpern
The Hon. Charles L. Brieant, Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601

RE: Estate of Cara Ann Stumm v. Town of Poughkeepsie
7:24-cv-02121 (PMH/VZ)
Our File No. 16968-2

Dear Judge Halpern:

This office represents the Town of Poughkeepsie and I write after consultation with and upon the consent of plaintiff's counsel with respect to the recent removal of this action to this court.

The parties have conferred and are in agreement that there is in fact no federal claim raised in the recently filed complaint and that they consent to its' remand to state court pursuant to 28 U.S.C. §1447.

The initial summons with notice which initiated this action in state court indicated federal constitutional rights would be asserted but in fact it is agreed that the now filed complaint does not make such assertions and the plaintiff will only be proceeding on state law grounds. As a result, a remand to state court is jointly requested.

Respectfully yours,

McCABE & MACK LLP




DAVID L. POSNER

DLP/dmf

cc: Jeffrey E. Litman, Esq.
Michael A. Fakhoury, Esq.

Application granted. On joint motion of the parties, this action is hereby REMANDED to the Supreme Court of the State of New York, County of Dutchess. The Clerk of the Court is respectfully directed to send a copy of this Order to the Supreme Court of the State of New York, County of Dutchess, and to close this action. All pending matters are hereby terminated.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
May 14, 2024